



推廣工作  
Promoting Awareness

公署一直致力提高市民的私隱意識，並且促使他們遵守私隱條例的規定。

在提高市民的私隱意識方面，公署正逐步朝著這個目標邁進，設法加強市民在日常生活中對私隱條例的詮釋及應用方面的認識。

自私隱條例在七年多前生效以來，私隱的概念已逐步在香港市民的心中紮根。公署收到的查詢及投訴日漸增多，可見社會各界愈來愈重視個人資料私隱權益。為使市民更充份掌握如何應用法例，公署舉辦了多項嶄新的推廣活動，以引發市民大眾，特別是年青一輩對私隱有更深層的思考。正如在去年年報所強調，年青人是社會的未來棟樑，而公署亦深明傳遞保障私隱的訊息，以協助各階層人士建立正面社會價值觀的重要性，並且以建立一個互相尊重彼此私隱權益的社會為公署的最終目標。

Raising awareness of and promoting compliance with the PD(P)O within the community have always been key working tasks for the PCO.

In terms of heightening such awareness, the PCO has progressively stepped up the goal, providing in-depth knowledge about the interpretation and application of the PD(P)O in everyday life.

Having been in force for more than seven years in Hong Kong, the concept of privacy has been instilled in the public mindset.

The increasing number of enquiry and complaint cases indicates society's rising levels of consciousness of personal data privacy rights. To enable a better grasp of the application of the provisions of the law, the PCO has organized new types of promotional activities to provoke profound public reflection, particularly among Hong Kong's younger generation. As it was stressed in last year's report, young people play a vital role in shaping our society's future. The PCO recognizes the importance of promoting privacy as a societal norm and our ultimate goal is to build a society in which there is mutual respect for the privacy rights of others.

## 推廣活動

### 私隱新節「拍」廣告短片創作比賽

## Promotional Activities

### Privacy Protection in Action: TV Advertisement Competition



「私隱新節「拍」廣告短片創作比賽」頒獎典禮在二零零三年六月二十八日舉行的熱鬧情況。

Prize presentation ceremony for the "Privacy Protection in Action: TV Advertisement Competition" held on 28 June 2003.

- 與香港青年協會合辦
- 旨在建立年青人尊重彼此的私隱的信念
- 評審委員會委員：立法會議員余若薇太平紳士、香港大律師公會的梁家傑大律師、香港教育學院教務長張永明博士及導演唐季禮先生
- 共收到超過140份年青人的參賽作品
- 頒獎嘉賓為民政事務局常任秘書長李麗娟太平紳士、前首席大法官及行政會議成員楊鐵樑太平紳士及香港教育學院教務長張永明博士
- Co-organized with the Hong Kong Federation of Youth Groups
- Aimed at inspiring teenagers' notion of respecting other's privacy
- Panel of judges: the Hon. Audrey Eu Yuet-mee, SC, JP (Legislative Councillor), Mr. Alan Leong, SC (Hong Kong Bar Association), Dr. Francis Cheung Wing-ming (Registrar, The Hong Kong Institute of Education) and Mr. Stanley Tong (Film Director)
- Entries from over 140 youngsters
- Prizes presented by Ms. Shelley Lee, JP, Permanent Secretary for Home Affairs, Mr. Yang Ti-liang, GBM, JP, Former Chief Justice and Executive Councillor and Dr. Francis Cheung Wing-ming, Registrar of the Hong Kong Institute of Education.

## 為小學生而設的嶄新學校巡迴表演：「有個秘密話你知」

## “Telling you my secret” — an ingenious on-stage privacy show for primary school students



- 旨在向小學生灌輸保障及尊重私隱權益的概念
- 由著名兒童節目主持人王者匡先生 (Harry哥哥) 擔綱演出
- 表演揉合了音樂、魔術、木偶、戲劇及角色扮演等互動元素，以協助小朋友明白私隱保障的概念
- 在二零零四年三月十五日至四月二日期間，分別到了全港三十間小學演出，受到超過10,000名學生的熱烈歡迎
- 同場派發一本名為「保障私隱、尊重別人」的小冊子

- Aimed at instilling the notion of protecting and respecting privacy rights amongst primary school students
- Performed by renown youth program host Harry Wong
- Interactive activities integrating music, magic shows, puppet shows, drama and role play to help youngsters understand the concept of privacy protection



- Well received by over 10,000 students from 30 primary schools during the period of 15 March to 2 April 2004
- Accompanied with a booklet titled “Protecting Privacy & Respecting Others”



## 保障私隱話劇：「大話『私』情」

- 由藝進同學會的演藝紅星傾力演出
- 藉話劇帶出市民在日常生活中如何保障個人資料私隱的訊息
- 話劇分別於二零零三年八月七日在禮頓山社區會堂、八月十四日在西營盤社區中心、九月四日在梁顯利油麻地社區中心及九月十五日在沙田大會堂免費公演



## Privacy Protection Drama Show

- A hilarious on-stage drama performed by popular artistes from Artiste Training Alumni Association
- Highlighted the most common privacy-related problems people may encounter in daily life and offered possible solutions
- Presented to the public for free at the Leighton Hill Community Hall (7 August 2003), Sai Ying Pun Community Complex Community Hall (14 August 2003), Henry G. Leong Yaumatei Community Centre (4 September 2003) and Sha Tin Town Hall (15 September 2003).



## 傳媒聯絡工作

為維持高透明度及問責制度，公署經常主動聯絡傳媒，並一直維持良好關係。在二零零三至零四年度，公署共舉行了兩次新聞簡報會，向傳媒解釋《個人信貸資料實務守則》修訂本的內容及公布《監察活動及工作期間的個人資料私隱實務守則草擬本》的諮詢報告。此外，公署亦發布了六篇新聞稿，並回應了接近一千宗傳媒查詢。同時，私隱專員亦多次接受了傳媒訪問，當中包括28次電子傳媒訪問。

## Media liaison

To maintain a high level of transparency and accountability, the PCO has adopted a proactive and co-operative approach in media relations. In 2003-04, the PCO held two press briefings to release the revised Code of Practice on Consumer Credit Data and the consultation report on the "Draft Code of Practice on Monitoring and Personal Data Privacy at Work".

In addition, the PCO issued six press releases and responded to almost one thousand media enquiries. Besides, the Privacy Commissioner gave a significant number of interviews to the media, including 28 to the electronic media.



私隱專員鄧爾邦先生接受各傳媒機構訪問，向市民大眾講述與個人資料私隱有關的議題。

Privacy Commissioner Mr. Raymond Tang took the opportunities to express his views on different privacy related issues to the general public in various media interviews.

## 公眾關注的議題

### 嚴重急性呼吸系統綜合症 （「沙士」）爆發期間的預防措施



二零零三年「沙士」爆發期間曾出現嚴重的公眾健康問題，市民對本港的衛生情況

深表關注。由於「沙士」是傳染病，可在全球各地發生，故政府建議採取一連串偵測及管制措施，以防止「沙士」擴散。這些措施包括：應市民的要求發放出現「沙士」個案的地點；全城清潔策劃小組建議在衛生黑點安裝閉路電視攝影機，以監察有關地點的環境衛生；以及進入香港的旅客須提交「健康申報表」。

社會對這些措施議論紛紛。市民對衛生當局應否公布已證實患上沙士的病人的住處有不同意見。有人認為公布有關資料令病人受到不必要困擾及侵犯了他們的私隱，亦有人認為應尊重市民在此事上的知情權。另一方面，全城清潔策劃小組的建議，令市民恐怕私隱會被侵犯。他們擔心香港會成為一個「受監察」的城市，因為閉路電視攝影機可用來監察個別人士的活動。

以上這些確是值得關注的私隱事項。而另一方面，政府卻有責任保持環境衛生，以保障市民的健康。公署在回應時表示，當出現威脅市民健康的特殊事故（例如「沙士」爆發時），政府須採取特別的應對措施。不過，這些措施必須在公眾利益與個人的私隱權益之間取得適當平衡，當中的實施過程亦必須公平及具透明度，並且要在實施後定期對成效作出檢討。

## Issues of Public Concern

### Precautionary measures during the SARS outbreak

The SARS outbreak in 2003 had caused serious health problem and considerable concerns in the community over the state of hygiene in the territory. As SARS was a contagious disease that occurred worldwide, the government had proposed a number of precautionary measures that served to detect and control the spread of SARS. These measures included a response to the community's request to release details of where SARS cases had occurred, a proposal by Team Clean to install CCTV cameras at environmental black spots to monitor the hygiene condition of the areas and a requirement for passengers traveling to Hong Kong to submit a "Health Declaration Form".

These measures attracted considerable discussions within the community. Different opinions were held on whether the health authority should disclose dwelling places of confirmed SARS patients. Some opined that the disclosure would cause unnecessary distress to the SARS victims and intrude their privacy. Others viewed the disclosure a commitment to respect the community's rights to know. The Team Clean proposal sparked privacy fears that Hong Kong might become a "surveillance prone" society as the CCTV cameras could potentially be used to maintain surveillance on individuals.

These were valid privacy concerns. On the other hand, the government had a general duty of care to help safeguard and maintain public health and hygiene. In response to the matters, the PCO accepted that under the very unusual circumstances, special measures had to be taken to respond to health-threatening events such as those leading to the SARS outbreak. However, these measures need to strike a proper balance between the public interests and the privacy rights of the individuals concerned. This would require an implementation process that is fair and transparent and a commitment to periodically review their effectiveness after implementation.

關於建議採取的措施，公署曾促請有關當局注意下述事項：

- 公布病人資料的目的須符合公眾利益，並只限公布履行有關目的所需的資料。有關個人的身份不得披露。
- 只可基於合法律由進行閉路電視監察，例如只限在持續出現威脅市民健康或衛生問題的地方進行閉路電視監察，並且須就閉路電視的安裝地點諮詢當地社區團體的意見。
- 應盡量減少對個別人士進行監察。
- 為保持透明度，當局應在受監察範圍的顯眼地方展示清晰的告示/通告，讓市民得知他們正進入受閉路電視監察的範圍。

In connection with the proposed measures, the PCO brought to the attention of the relevant authorities the following matters.

- The disclosure of patients' information should serve a well-intended purpose in the public interest and it should be restricted to only those information that were essential to serve that purpose. The identity of the individuals concerned should not be disclosed.
- CCTV monitoring should be carried out to the extent necessary to deal with the legitimate reasons for which the monitoring is undertaken. For example, CCTV monitoring should be limited to restricted locations where there are persistent health-threatening hazard or hygiene problems. Local community groups should also be consulted on the locations of the CCTV cameras.
- Surveillance on individuals should be kept to the absolute minimum.
- In the interest of maintaining transparency, clear signs/notices should be prominently displayed at the perimeter of the monitoring areas so that the public are notified that they are entering a zone that is covered by CCTV monitoring.



## 美國的新反恐措施的影響

為加強保安，免受恐怖份子襲擊，美國政府打算要求外國航空公司向美國海關提供乘客的姓名記錄，以便事前進行背景審查，把在登機時須向他們採取進一步保安措施的乘客甄別出來。公署得知美國正為此目的發展一套新的電腦輔助乘客預先甄別系統 (CAPPS)，先用於由美國啟程的航班，而最終會擴展至包括由其他國家啟程往美國的航班的乘客。

公署獲邀對上述措施作出評估，以衡量在該等措施實施後，前往美國的香港人的個人資料私隱會否得到充份保障。鑑於這項措施的國際性質，公署認為應全球著手衡量這項新措施對個人資料私隱所造成的影響，並且須對受影響的國家或地區的回應加以考慮。

私隱條例第33條訂明除非符合某些條件，否則禁止將個人資料移轉至香港以外地方。雖然此條文仍未生效，但在香港收集乘客個人資料的航空公司或旅行社仍須遵守保障資料原則在「給予通知」及「限制使用」方面的一般規定。由於上述新措施，航空公司或旅行社必須就披露資料安排給予乘客充份通知。在資料移轉方面，航空公司或旅行社亦須採取合理的預防措施，以確保接受資料一方不會以不符保障資料原則規定的手法處理或使用有關資料。

## Impact of new US anti-terrorist measures

To enhance protection against terrorist attacks, the US government plans to require foreign airlines to make available passenger name records to the US Customs Service so that background checks may be conducted in advance to identify passengers requiring additional security attention when they undergo boarding procedure. It is understood that a new Computer-Assisted Passenger Pre-screening System ("CAPPS") is being developed for the purpose and intends to apply first to passengers on flights originating in the US, and is ultimately expected to cover also passengers on flights to the US originating in other countries.

The PCO was invited to assess the above measures, upon their implementation, on the adequacy of privacy protection on personal data concerning Hong Kong people visiting the US. Given its international application, the PCO is of the view that any impact the new measures may have on personal data privacy warrants a global approach and the responses from countries or regions affected are therefore relevant for consideration.

Although section 33 of the PD(P)O is not yet operative restricting transfer of personal data to a place outside Hong Kong unless certain conditions are met, airlines or travel agents who collect passenger data in Hong Kong are still required to comply with the general requirements of the data protection principles in relation to "notification" and "limitation on use". In view of the new requirement, it would be prudent for airlines or travel agents to give sufficient notification to passengers regarding the disclosure arrangement. In respect of the data transfer, they should also take reasonable precautions to ensure that the data will not be processed or used by the receiving party in any manner inconsistent with the data protection principles.



## 防止洗黑錢措施的新規定

地產代理監管局在二零零四年一月發出《防止「洗黑錢」措施》執業通告，規定地產代理從業員應妥善保存「地產代理協議」、「睇樓紙」或類似協議最少五年，由簽訂臨時買賣合約日期起計，以便在有需要時向有關執法機關提供該等資料。

公署充份理解到打擊罪行的重要性，而私隱條例亦載有豁免條文，即第58條。如適當援引此條文，則可為防止洗黑錢活動而披露個人資料提供一個合法基礎。不過，大部份與地產代理有往來的守法市民，均懷疑是否有理由單為可能須向當局舉報罪行的目的而保存他們的個人資料一段如此長的期間。

私隱條例的保障資料第2原則及第26條條文訂明資料使用者有責任在完成或履行收集目的後將個人資料刪除。地產代理公司不會因保留資料的目的只是為向有關當局舉報罪行，以及收集資料時並無任何可疑情況而可免受保障資料第2原則及第26條管限。公署促請地產代理監管局注意此方面的規定，並建議地產代理公司就客戶的個人資料，制訂清晰的保留政策及措施。

## New rules on preventive measures to combat money laundering

In January 2004, the Estate Agents Authority issued a Practice Circular on Preventive Measures on Money Laundering. Estate agency practitioners were asked to retain the estate agency agreement or “property viewing form” or similar document securely for at least 5 years from the date of the signing of the provisional agreement for sale and purchase, to be provided to the relevant authorities as required.

The PCO is fully cognizant about the importance of combating crime and there are exemption provisions in the PD(P)O, notably, section 58 which when properly invoked may form the legal basis for disclosing personal data in suspected cases of money laundering. However, most law-abiding citizens who have dealings with estate agency doubt whether it is reasonable to retain their personal data for such lengthy period simply for the purpose of possible reporting of crime.

The PD(P)O imposes a duty on data users to erase personal data when the purpose of their collection is spent or fulfilled. These are provided for under DPP2 and section 26 of the PD(P)O. In the case of the estate agency, the retention of personal data simply for the purpose of possible reporting of crime where no suspicious circumstances exist at time of collection will not relieve the agency from observance of DPP2 or section 26. This was brought to the attention of the Estate Agents Authority and in this connection, the PCO recommended estate agency to implement a clear retention policy and practice on personal data they collect in relation to their dealings with customers.

## 保障資料主任聯會

保障資料主任聯會現有超過200名會員，他們均為各公私營機構的保障資料主任。聯會的成立目的旨在為公署和會員之間建立一個雙向溝通平台，透過舉辦各項活動，協助他們在日常工作中採取依從私隱條例規定的行事方式。

- 超過120名會員出席了二零零三年七月二日舉行的全體會議



- 演講嘉賓包括澳洲維多利亞省私隱事務專署的推廣總監大偉泰萊先生 (Mr. David Taylor, Director of Privacy Awareness of the Office of the Victorian Privacy Commissioner)及國泰航空公司代表葛珮詩小姐



- 此外，亦舉辦了一連串與《人力資源管理實務守則》及《個人信貸資料實務守則》有關的工作坊。所有參加會員均獲頒發證書。



## Data Protection Officers' Club

The Club had a membership of over 200 data protection officers from public and private organizations. Club activities provided a two-way communication platform between the PCO and members in implementing compliance practices relating to the PD(P)O in their daily work.

- Over 120 members participated in the Plenary meeting on 2 July 2003



- Guest speakers included Director of Privacy Awareness from the Office of the Victorian Privacy Commissioner, Mr. David Taylor and Miss Jenny Got of the Cathay Pacific Airways



- A series of intensive Data Protection Workshops - "Protection of Employees' Personal Data" and "A New Approach to the Consumer Credit Data Code" were held. All attendees were awarded with certificates.



## 講座、研討會及演講

在二零零三至零四年度，公署定期免費為市民舉辦了11次簡介講座，向市民講解私隱條例的規定。此外，公署亦曾派員到各公私營機構舉辦了38次培訓講座，闡述如何遵守私隱條例的規定。同時，私隱專員及公署的職員亦在多個本地及國際研討會上，就個人資料私隱問題發言。

### 公署職員曾在下述本地會議上發言：

- 香港銀行學會的午餐研討會
- Rotary Club of Kowloon Golden Mile 的午餐研討會
- 香港董事學會的研討會：「Professional Diploma in Corporate Governance & Directorship Seminar」
- 國際資訊系統審計協會的《監察活動及工作期間的個人資料私隱實務守則草擬本》研討會
- 香港中文大學的研討會：「Seminar on Personal Data Privacy & Information Technology」

## Seminars, conferences and speaking engagements

In 2003-04, the PCO conducted 11 introductory seminars on the requirements of the PD(P)O. These seminars were conducted on a regular basis for free to the public. A further 38 training seminars were also offered to private and public organizations on compliance with the requirements of the PD(P)O. In addition, the Privacy Commissioner and staff members of the PCO also spoke at a number of local and international conferences on issues related to personal data privacy.



### Speaking engagements by PCO staff at conferences held in Hong Kong

- Luncheon Seminar, The Hong Kong Institute of Bankers
- Luncheon Seminar, Rotary Club of Kowloon Golden Mile
- Professional Diploma in Corporate Governance & Directorship Seminar, The Hong Kong Institute of Directors
- Seminar on the Draft Code of Practice on Monitoring and Personal Data at Work, Information Systems Audit and Control Association
- Seminar on Personal Data Privacy & Information Technology, The Chinese University of Hong Kong

私隱專員鄧爾邦先生及公署職員出席多個本地講座及研討會。

Privacy Commissioner Mr. Raymond Tang and PCO staff at various local seminars and conferences.





年內，私隱專員鄧爾邦先生參與各地舉行與資料私隱有關的會議及研討會。

*Privacy Commissioner Mr. Raymond Tang participated in various overseas data privacy conferences and seminars during the year.*



### 公署職員曾參加下述海外研討會：

- 在英國舉行的第十六屆私隱法例及商業週年國際會議(Privacy Laws & Business 16th Annual International Conference)
- 在泰國舉行的亞太區經濟合作組織的資料私隱分組及電子商貿督導小組會議
- 在澳洲舉行的國際會議：The Body as Data
- 在澳洲舉行的第二十五屆資料保障及私隱專員國際研討會
- 在澳洲舉行的亞太區經濟合作組織私隱工作坊及亞太區經濟合作組織電子商貿督導小組會議
- 在上海舉行的滬港商貿和個人誠信法律論壇
- 在澳洲舉行的「The Meeting of the Privacy Agencies of New Zealand and Australia (PANZA)」
- 在美國舉行的「The IAPP Fourth Annual Privacy And Data Security Summit and Expo」
- 在智利舉行的亞太區經濟合作組織資料私隱實施機制研討會(APEC Symposium on Data Privacy Implementation Mechanism)、電子商貿督導小組資料私隱分組會議及電子商貿督導小組會議

### Participation of PCO staff in conferences held outside Hong Kong

- Privacy Laws & Business 16th Annual International Conference, UK
- APEC Privacy Subgroup Meeting & ECSG Meeting, Thailand
- The Body as Data: One Day International Conference, Australia
- The 25th International Conference of Data Protection and Privacy Commissioners, Australia
- APEC Privacy Workshop & Meeting of the APEC ECSG privacy sub-group, Australia
- 滬港商貿和個人誠信法律論壇, Shanghai, China
- The Meeting of the Privacy Agencies of New Zealand and Australia (PANZA), Australia
- The IAPP Fourth Annual Privacy And Data Security Summit and Expo, USA
- APEC Symposium on Data Privacy Implementation Mechanism, ECSG Data Privacy Subgroup Meeting & ECSG Electronic Commerce Steering Group, Chile

## 新製作刊物及網頁

### 新製作刊物

- 本年度公署編制了「《個人信貸資料實務守則》對你的信貸申請有甚麼影響？」資料概覽及《個人資料私隱：跨業直銷活動指引》資料概覽
- 另外，公署在本年報期內共出版了兩期通訊，每期發行量超過4,000份，免費派發給各訂戶、專業團體、政府部門及其他相關組織，並以電子郵件形式向超過500名網上登記訂戶發送通訊



## New publications and web site

### New Publications

- Fact sheets on “Code of Practice on Consumer Credit Data: How Does It Affect You?” and “Personal Data Privacy: Guidance on Cross Marketing Activities” were published
- Two issues of the PCO Newsletter were published. Over 4,000 copies were distributed to subscribers, professional bodies, government departments and other relevant parties. More than 500 registered online subscribers also received the electronic version of the newsletter via e-mail

### 網頁(www.pco.org.hk)

- 網頁的瀏覽人數高達147,587人次(平均每月為12,298人次)
- 平均瀏覽時間：22分鐘
- 網站內的「青少年私隱地帶」，新加入三套由充滿創意的年青人設計的電腦遊戲，分別名為：《提防求職陷阱》、《對對碰》及《私隱戰士速度大挑戰》，讓年青人透過輕鬆有趣的形式，學習如何保障個人資料私隱

### Web site (www.pco.org.hk)

- Total hits - 147,587 hits (an average of 12,298 hits per month)
- Average visit length: 22 minutes
- Three computer games designed by three talented teenagers have been uploaded to the “Privacy Zone for Youngsters”. The games - “Beware of Recruitment Traps”, “Privacy Matching” and “Privacy Fighter” - will enable young people to learn about the protection of personal data privacy in an enjoyable way

## 二零零三年資料當事人 意見調查

公署委託香港大學社會科學研究中心進行了二零零三年資料當事人意見調查，並且在二零零四年三月收到有關調查結果。共1,051名受訪者在此次抽樣調查中接受訪問，被問及多類與私隱有關的問題，例如「工作間的監察活動」、「私隱作為一項社會問題」、「個人資料被濫用的經驗」、「私隱與互聯網」，以及「跨境資料傳輸」等。

以下為其中一些較重要的調查結果：

- 62%的受訪者為全職或兼職人士，其中的31%受訪者在工作間受到最少一種形式的監察。
- 82%的受訪者聲稱僱主並無將工作間的監察活動通知他們。
- 在僱員收到僱主發給的工作間監察活動通知中，只有27%是書面通知。
- 私隱一直被評為一項重要的社會問題，在10分的評分中平均取得7.7分，與過去數年取得的評分大致相符。
- 雖然是一條假設性問題，不少於82%的受訪者表示如發覺他們的個人資料被濫用，他們會提出投訴。
- 在五種選擇中，「個人資料被第三者濫用」成為在網上購物時的第二最受關注的事項，而最受關注的項目則為「信用卡資料被截取引致金錢損失」。
- 只有5%的受訪者察覺到他們的個人資料有可能被移轉至香港以外的地方。出現這種情況是由於資料使用者將資料輸往位於另一國家的資料處理中心，或是將資料外判給海外的第三者處理，例如信用卡帳單服務或電話中心。

公署在一九九七年進行首次意見調查，公署從其後的各次調查得知過去數年市民大眾對私隱問題的看法及態度有否轉變。一般來說，惹人注目的一點是其中一些調查結果(例如私隱及互聯網的問題)的評分多年來大致相符。這顯示出時間並無改變市民對私隱的熱切關注，數年前被視為重要或取得高評分的問題，市民至今對這些問題仍作出相同的回應。

## 2003 Data Subjects Opinion Survey

In March the PCO was presented with the findings of the 2003 Data Subjects Survey undertaken on its behalf by the Social Sciences Research Centre at the University of Hong Kong. The survey sample of 1,051 respondents were asked about a wide range of privacy-related issues such as workplace surveillance, privacy as a social policy, experiences of mis-use of personal data, privacy and the Internet and cross border data transfer.

The following are some of the more important findings.

- 62% of respondents were in full or part time employment and of these 31% were subjected to at least one form of workplace monitoring.
- 82% of respondents claimed that they had not been notified by their employer about workplace surveillance practices.
- Where employees had been informed about workplace monitoring by their employer only 27% were informed in writing.
- Privacy continued to be rated highly as a social policy receiving a mean score of 7.7 out of 10 in terms of its importance. This rating is consistent with scores attained in preceding surveys.
- Although a conditional question, no less than 82% of respondents maintained that they would complain if they found that their personal data had been misused.
- “Misuse of personal data by third parties” was the second greatest concern when purchasing on the Internet out of five categories investigated; the highest being “money loss due to interception of credit card information.”
- Only 5% of respondents were aware of the fact that their personal data might be transferred to a place outside of Hong Kong. This happens because data users either export the data to a processing centre in another country or because they engage in outsourcing to third parties located abroad e.g. credit card billings or a call centre.

The opinion survey was first conducted in 1997 and successive surveys have enabled the PCO to track changes in perceptions and attitudes towards privacy-related issues over the years. At a very general level what is striking about some of the findings is that they have returned consistent scores e.g. privacy and the Internet. This suggests that time has not dulled the enthusiasm for privacy in the community and issues that were considered important, or received a high ranking, some years ago continue to evoke similar responses.

## 國際及地區參與

### 亞太區經濟合作組織的私隱機制

繼亞太區經濟合作組織(亞太經合組織)部長(APEC Ministers)在一九九八年核准了「電子商貿行動計劃」後，電子商貿督導小組(ECSG)於翌年成立，致力在區內建立一個可預見成效、具透明度及一致的環境，在法律、監管及政策方面設法提倡及促進電子商貿。此外，電子商貿督導小組一直致力發展加強電子商貿參與者的信任和信心的機制，以鼓勵更多人進行網上交易。



私隱專員鄧爾邦先生在一九九四年二月出席在智利舉行的亞太經合組織資料私隱實施機制研討會。

Privacy Commissioner Mr. Raymond Tang attended the APEC Symposium on Data Privacy Implementation Mechanisms held in Chile in February 2004.

大家均公認若沒有政府及商界的衷誠合作，「彼此攜手發展及推行科技及政策，以便在一個安全、妥善、可靠通訊及資料傳輸的制度下建立消費者的信任和信心，包括處理如私隱等問題...」，則電子商貿的潛力便無法發揮。為促進在亞太經合組織區內發展一套彼此認同的資料私隱理念，電子商貿督導小組在二零零二年對亞太經合組織各經濟體系處理資料私隱的手法進行探究，並且在二零零三年二月成立了資料私隱分組(Data Privacy Subgroup)，以處理亞太經合組織的私隱工作。分組的成員包括澳洲(主席)、加拿大、中國、中國香港、日本、韓國、馬來西亞、新西蘭、中華台北、泰國及美國。分組的當前任務是發展一套私隱原則及實施機制。希望未來的私隱機制可融和各成員經濟體系之間的差異，並且將信心危機的障礙消除，從而促進貿易發展。

## International and Regional Participation

### APEC Privacy Framework

Following the endorsement by the APEC Ministers on a “Blueprint for Action on Electronic Commerce” in 1998, the Electronic Commerce Steering Group (ECSG) was established in 1999. The ECSG is committed to promoting and facilitating the development and use of electronic commerce by creating legal, regulatory and policy environments in the APEC region that are predictable, transparent and consistent. In addition, the ECSG is working to promote mechanisms to increase trust and confidence of participants in electronic commerce in order to encourage greater use of the Internet to perform transactions.

It was acknowledged that the potential of electronic commerce could not be realized without government and business cooperation “to develop and implement technologies and policies, which build trust and confidence in safe, secure and reliable communication, information and delivery systems, and which address issues including privacy ...”. In order

to foster the development of compatible approaches to data privacy within the APEC region, the ECSG undertook a mapping exercise of APEC economies’ approaches to data privacy in 2002. In February 2003, a Data Privacy Subgroup was formed under ECSG to manage data privacy work within the APEC. Members of the Subgroup included Australia (Chair), Canada, China, Hong Kong, China, Japan, Korea, Malaysia, New Zealand, Chinese Taipei, Thailand and the United States. The immediate task of the Subgroup was to develop a set of privacy principles and implementation mechanisms. It was hoped that the data privacy framework to be developed would help harmonizing the difference between member economies and removing the barrier of confidence crisis and thereby promote trade.

作為香港的資料私隱保障先鋒，公署在資料私隱分組中擔當重要的角色。私隱專員出席了分組的每個會議，以及電子商貿督導小組的各個會議。自二零零三年三月草擬首版私隱原則開始，公署根據本身作為資料私隱法例監管機構所取得的經驗，一直參與私隱原則的草擬，就實務性及可執行性等問題進行檢討工作。私隱專員對此作出的評論受到重視及取得高度評價。資料私隱分組在本年報期內共草擬了八版私隱原則。資料私隱分組各成員經過週詳審議及洽商後，終於就亞太經合組織私隱機制的草擬本達成一致意見，並且將草擬本提交電子商貿督導小組在二零零四年二月二十六至二十七日的第九次會議上進行審議。電子商貿督導小組各成員對機制的草擬本作出檢討，以及就亞太經合組織的私隱原則向各經濟體系進行諮詢。此外，資料私隱分組亦開始就實施機制進行討論，並且同意擬備評論，列舉每一原則的適用範疇及協助對原則作出詮釋。私隱分組的目標是要在二零零四年中將機制草擬本（實施部分除外）作最終定稿。

亞太經合組織私隱機制草擬本的內容載於電子商貿督導小組的網址

(<http://www.export.gov/apececommerce/index.html>)。

As the core protector of data privacy in Hong Kong, the PCO played a significant role in the Subgroup. The Privacy Commissioner participated in every meeting of the Subgroup and attended the ECSG meetings. Since the first draft of the privacy principles prepared in March 2003, the PCO contributed in reviewing the practicality and enforceability of the draft principles in the light of our experience as a regulatory authority of data privacy law. Comments made by the Privacy Commissioner in the course of the process attracted respectful attention and received high regard. During the reporting period, the Subgroup prepared 8 versions of the draft privacy principles. Following extensive deliberations and negotiation by the subgroup members, a draft APEC Privacy Framework was agreed upon and tabled before the 9th ECSG Meeting held on 26-27 February 2004. Members of the ECSG were encouraged to review the draft Framework and to begin consultation with economies' stakeholders on the APEC Privacy Principles. In addition, the Subgroup started discussion on the implementation mechanisms and agreed to prepare a commentary to give examples of the application of each principle and to assist in interpretation. The target of the Subgroup was to finalize the draft Framework (except for the implementation section) by mid 2004.

Contents of the draft APEC Privacy Framework are available at the website of the ECSG at (<http://www.export.gov/apececommerce/index.html>).